

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTH REPUBLIC INSURANCE  
COMPANY,

Plaintiff,  
on behalf of itself and all others  
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:16-cv-259-KCD  
(Judge Davis)

**ORAL ARGUMENT REQUESTED**

COMMON GROUND HEALTHCARE  
COOPERATIVE,

Plaintiff,  
on behalf of itself and all others  
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-877-KCD  
(Judge Davis)

**ORAL ARGUMENT REQUESTED**

**OBJECTING CLASS MEMBERS' RESPONSE TO CLASS COUNSEL'S NOTICE OF  
SUPPLEMENTAL AUTHORITY IN FURTHER SUPPORT OF ITS MOTION FOR  
APPROVAL OF ATTORNEY'S FEE REQUEST**

1 The Objectors file this response to Class Counsel’s notice of a recent fee award in the case  
 2 *In re Aqueous Film-Forming Foams Product Liability Litigation*, No. 2:18-mn-2873, Dkt. 4885, at  
 3 \*14 (D.S.C. Apr. 23, 2024) (“*AFFF*”).

4 *AFFF* does not support Class Counsel’s requested fee multiplier of at least 16.25 (using  
 5 2020 rates) to 19.06 (historical rates) on top of Class Counsel’s already-inflated lodestar. Indeed,  
 6 *AFFF* held that the fee award issued there was reasonable because it “yields a multiplier range  
 7 between 2.7 to 3.” No. 2:18-mn-2873, Dkt. 4885, at \*14 (D.S.C. Apr. 23, 2024). *AFFF* is  
 8 therefore consistent with the Federal Circuit’s observation that Class Counsel presented no  
 9 justification “for an award with an implicit multiplier outside” “the [normal] range of 1 to 4.”  
 10 *Health Republic Ins. Co. v. United States*, 58 F.4th 1365, 1375, 1378 (Fed. Cir. 2023). It is also  
 11 consistent with the conclusion in *In re Visa Check/Mastermoney Antitrust Litigation* that “Lead  
 12 Counsel’s request to be paid almost 10 times their hourly rate is absurd” and “fundamentally  
 13 unreasonable.” 297 F. Supp. 2d 503, 522 (E.D.N.Y. 2003), *aff’d sub nom. Wal-Mart Stores, Inc.*  
 14 *v. Visa U.S.A., Inc.*, 396 F.3d 96 (2d Cir. 2005). Just like *Health Republic*, *Visa*, and the numerous  
 15 other cases cited in the Objectors’ briefing, *AFFF* supports the conclusion that the implied lodestar  
 16 multiplier should not exceed 3.5 at the highest. Any other result would ignore Class Counsel’s  
 17 promise of a lodestar cross-check and would defy the class notice because it would result in a fee  
 18 award that is untethered from the hours actually worked.

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 20 Dated: May 3, 2024

Respectfully submitted,

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